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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

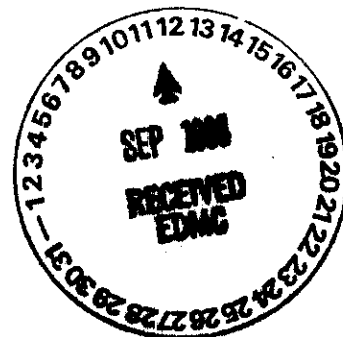
1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7581

August 25, 1998

Mr. Jackson Kinzer
U.S. Department of Energy
P.O. Box 550, MSIN: S7-50
Richland, WA 99352

Mr. Anthony Umek
Fluor Daniel Hanford, Incorporated
P.O. Box 1000, MSIN: S7-40
Richland, WA 99352

Ms. Mary Delozier
Lockheed Martin Hanford Corporation
P.O. Box 1500, MSIN: H7-07
Richland, WA 99352



Dear Messrs. Kinzer, Umek, and Ms. Delozier:

Re: Receipt of U. S. Department of Energy (USDOE) response to July 8, 1998 SY Tank Farm Notice of Correction.

The Washington State Department of Ecology (Ecology) has reviewed USDOE, Fluor Daniel Hanford (FDH) and Lockheed Martin Hanford Corporation's (LMHC) response letter of August 6, 1998 to Ecology's July 8, 1998 notice of correction. This letter was discussed with Ecology on August 7th in a meeting at Ecology's Kennewick offices with representatives from USDOE, FDH and LMHC.

Unfortunately your August 6th response failed to address the voluntary corrective measures presented in Ecology's notice of correction regarding leak detection in SY tanks. Instead, USDOE, FSH and LMHC's August 6th response letter deferred the voluntary actions to achieve compliance as described in the notice of correction to resolution of penalty # 98NW-007 which was issued by Ecology as a separate, formal enforcement action on July 23, 1998. Such commingling of separate actions (informal and formal) is an unacceptable response to the notice of correction.

USDOE, FDH and LMHC also failed to request an extension for additional time to voluntarily resolve the violations described in Ecology's notice of correction by July 28, 1998 as provided for in the notice of correction. Instead, USDOE, FDH and LMHC issued a letter dated July 28th that generally stated, "an additional amount of time will be required to accurately respond to these corrective action items." No corrective measures to the violations listed in the notice of correction were described and no time extensions were specified in USDOE, FDH and LMHC's July 28th letter.

Ecology also listed six "Concerns" in its July 8th notice of correction. Although not considered violations as yet, concerns are listed in Ecology's correspondence to alert USDOE and its contractors of observations made by the state that if not addressed promptly could lead to serious regulatory problems. Although USDOE and its contractors have always responded to Ecology's concerns in the past, USDOE, FDH and LMHC elected not to respond to the concerns listed in Ecology's July 8th notice of correction. Ecology finds this lack of response, in concert with the incomplete responses provided by USDOE, FDH and LMHC on July 28th and August 6th, troubling.

All these issues were discussed in the August 7th meeting between Ecology, USDOE, FDH and LMHC. As a result of that meeting USDOE, FDH and LMHC agreed to address the concerns listed in the notice of correction in their next response letter to Ecology regarding resolution of the corrective measures described in the notice of correction. The following schedules to voluntarily resolve four of the five violations listed in Ecology's July 8, 1998 notice of correction were agreed to at the August 7th meeting:

- Violation #1, failure to provide a tank integrity assessment for the 244-S DCRT.

USDOE, FDH and LMHC will provide Ecology with a schedule, including costs and impacts to other programs, by September 6, 1998 for completing an integrity assessment of the 244-S DCRT by end of calendar year, 1998.

- Violation #3, failure to operate SY tanks so that they are capable of removing waste from the secondary containment within 24-hours.

USDOE, FDH and LMHC will revise the Single Shell Tank Leak Emergency Pumping Guide, document # HNF-SD-WM-AP-005, Rev. 6, to incorporate provisions for pumping the secondary containment of double shell tanks (DST)s within 24-hours, or at the earliest practicable time if USDOE, FDH and LMHC can demonstrate to Ecology that site conditions preclude pumping within 24-hours. USDOE, LMHC and FDH agreed to complete this revision and submit it to Ecology by November 5, 1998.

In the August 7, 1998 meeting with USDOE, FDH and LMHC, Ecology agreed to specify its expectations regarding incorporation of DST secondary containment pumping provisions into the Emergency Pumping Guide. The following are the minimum requirements for DST pumping provisions:

- ~ The primary and alternate transfer routes for removing waste from the secondary containment of each DST.
 - ~ A clear description of all implementing procedures and actions for pumping the secondary containment of each DST.
 - ~ Identification and location of all pumps and their associated fittings required to pump the secondary containment of DSTs.
- Violation # 4, failure to develop an inspection schedule for all equipment that help prevent, detect or respond to hazards to the public health or the environment.

USDOE, FDH and LMHC will revise its daily tank farms inspection procedure by November 5, 1998 to, at a minimum:

- ~ Document clearly the checks performed to ensure all leak detection equipment in DSTs is functioning as designed and that all leak detection equipment in DSTs is set to its appropriate alarm set point.
 - ~ Perform leak detection equipment inspections, functional tests, and equipment maintenance based at frequencies based on the rate of possible deterioration of this equipment.
 - ~ Document equipment deficiencies and ensure resolution of them.
- Violation # 5, failure to adequately document in the operating record the data gathered from leak detection monitoring equipment.

By October 6, 1998, USDOE, FDH and LMHC will maintain all maintenance and functional testing records on-site, as signed by the inspector, for DST leak detection equipment for a period of five years. These records may be scanned, as signed and completed by the inspector, into an electronic data base or stored in hard copy so long as the records are readily available on-site for the previous five years.

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As stated above, USDOE, FDH and LMHC failed to address corrective measure #2 described in Ecology's July 8, 1998 notice of correction. Corrective measure #2 was to provide a leak detection system that is designed and operated to detect the failure of either the primary or secondary containment structure in SY tanks within 24-hours. Instead, USDOE, FDH and LMHC inappropriately deferred voluntary response to the notice of correction to resolution of penalty # 98NW-007. Moreover, the Application for Relief from Penalty 98NW-007, supplied by USDOE, FDH and LMHC in lieu of the appropriate response, failed to provide the information requested to achieve voluntary compliance with the requirements of Ecology's July 8, 1998 notice of correction. Therefore, in consideration of the incomplete responses in your July 28th and August 6th submittals regarding leak detection in SY tanks, be advised that an administrative order is pending per the Revised Code of Washington (RCW) 70.105.080 to achieve compliance with leak detection requirements as specified the notice of correction. Please be advised that failure to meet, fully and in good faith, the corrective measures and completion dates agreed to at the August 7, 1998 meeting between Ecology, USDOE, FDH and LMHC, and as described in this letter, may result in additional penalties and/or orders per RCW 70.105.080.

If you have any questions regarding this letter, please contact me at (509) 736-3031.

Sincerely,



Bob Wilson, Compliance Inspector
Nuclear Waste Program

BW:

cc: James Rasmussen, USDOE
William Adair, FDH
Steve Szendre, FDH
Brad Erlandson, LMHC
Mary Lou Blazek, ODOE
Administrative Record: TWRS